

**Portland Harbor Superfund Site
Key Messages, Status and Issues
Congressional/EPA/Stakeholder Meeting May 1, 2013**

Key Messages:

- The Portland Harbor Superfund Site is National Priority List Superfund site. It was listed on the NPL in December 2000 **and it is important to EPA** and I am sure to all of you that progress is made at this site. It is important to the City of Portland, the Port of Portland, the business community and, of course, the community at large to address the contamination at this site.
- The contamination is significant. There are high levels of PCBs, dioxins, and other contaminants that present risk to human health to those eating fish and risks to the environment.
- EPA is required to select a protective remedy that is cost effective and utilizes permanent solutions to the extent possible –this is a statutory mandate of the Superfund law.
- Throughout the investigation and cleanup, there are likely to be many opinions about the best approach and we must endeavor to work collectively to resolve our differences as quickly as possible.
- Fundamental to the cleanup is to prevent, minimize and reduce ongoing sources of contamination to the river. EPA expects aggressive source control actions to ensure that sediment remedial action will be able to move forward in a timely way, and reduce the potential for recontamination.
- Major source control work is underway at the Arkema facility and the Gasco facility. We do appreciate DEQ's leadership and the parties cooperation in conducting this work.

I'd like to highlight some of the progress and activities since we met last fall.

- EPA is pleased that several potentially responsible parties (Cargill, Inc., CBS Corporation, City of Portland, DIL Trust, Glacier Northwest, Inc., and PacifiCorp), signed an Administrative Settlement Agreement and Order with EPA to conduct additional focused investigation at the area known as River Mile 11East. This area has some of the highest PCB concentrations in sediment and fish tissue within the larger Superfund Site. The work done under the agreement is intended to facilitate finalizing the remedial design soon after the Record of Decision is issued. EPA views getting started in the design and planning for cleanup of this area as a key in the sequencing of the river cleanup.
- EPA approved the final baseline human health risk assessment earlier this month. The risk assessment concludes that consumption of contaminated resident fish represents the greatest risk to people at the Site.
- (OPTION) The LWG disputed some of EPA's modifications to the previous draft of human health risk assessment, including fish consumption rates, and its finding that the

LWG's document was deficient and out of compliance with the AOC. EPA's Environmental Cleanup Office Director issued a final decision after allowing the LWG to fully brief their positions and be heard by higher management in the agency. EPA also issued stipulated penalties. Because that enforcement process is ongoing at this time, EPA won't be discussing the specifics of the compliance issues today.

- EPA is reviewing the LWG's draft Feasibility Study Report. EPA is focusing on ensuring that this document (and all documents) comply with the NCP, are technically complete, scientifically sound and are written clearly to avoid misunderstandings in the future. EPA provided initial feedback to the LWG last December communicating key concerns and deficiencies in the draft report. There are many tough decisions ahead – how much active work (like dredging and capping) will be needed, cleanup levels, whether local confined disposal facilities will be included as part of the remedy.
-
- EPA is still working towards a goal of preparing a Proposed Plan for cleanup in 2014. EPA will ensure that there are adequate opportunities for public review and comment before finalizing cleanup plans

Status:

- EPA provided comments on the 2nd draft of the BERA in July 2012. LWG provided a response to EPA comments, and directed changes to the LWG in January 2013. . We hope to have an approved BERA by the end of May. EPA is providing redline changes to text and additional comments on the draft RI. The comments are being provided to the LWG section-by-section as EPA completes its review. The extent of revisions vary by section. It is anticipated that the comments will be resolved later this year (2013) and a final document produced by the LWG in early 2014.
- The Lower Willamette Group (LWG) submitted the Draft Portland Harbor Feasibility Study (FS) to EPA March 30, 2012. Estimated costs of the cleanup alternatives range from \$169 million to \$1.7 billion. EPA has significant issues with the document and is working with the LWG to resolve those issues.

Issues/Background:

- **Documents Submitted Are Inadequate**
 - **Draft FS** –EPA's ability to move forward with a Proposed Plan for cleanup in late 2013 is highly dependent on the quality, transparency and completeness of the PRP's draft FS. Based on our initial review the LWG draft document, although it includes useful information and analysis, falls short of our needs. The LWG's FS and its public presentations emphasize site wide risks and cleanup evaluations that downplay the current risks and potential risk reduction associated with hot spot/source areas of contamination. The best scoring alternatives (Alternative B, C and D) rely heavily on natural recovery (no action) because their fate and transport models support natural recovery. EPA is reviewing the

models and has found that the overly optimistic predictions do not reflect actual site conditions in several areas.

- **2nd Draft RI**
 - **EPA could not approve the document because it does not clearly describe the remedial investigation process, does not clearly present the information and conclusions, contains language that obfuscates the issues of contamination, and does not adequately address EPA's comments submitted in July 2010.**
- **Draft HHRA**
 - The LWG disputed EPA's modifications to the 2011 draft document and the basis for determining that they were out of compliance with the Administrative Order. There was some media coverage and Congressional interest, as well as LWG complaints to ECL management that EPA had radically changed its way of doing business on the project. EPA and the LWG have been engaged in the dispute process since late July. The initial informal dispute process narrowed the LWG's list of issues, but did not resolve all of the disputed issues. The LWG invoked formal dispute on Sept 17th, and provided their dispute position on Sept 21st. Under the AOC, the R10 ECL Director is the dispute official but by agreement of all parties Dan Opalski (prior R10 ECL Director) will retain decision making for this dispute.
 - The key issues in dispute include EPA's selection of reasonable maximum exposure scenarios for fish consumption and changes to document text that EPA found confusing, inaccurate or biased.
 - The LWG also complained about consistency in EPA direction and feels we haven't abided by other agreements made along the way. They want to define a new working relationship.
- **RI/FS and getting to Cleanup**
 - Various PRP white papers were developed and publicized in the past year: (1) cost-benefit analysis purporting that jobs will be lost by a cleanup, (2) white paper criticizing EPA risk scenarios as overly conservative, (3) analysis of food-web model inaccuracies, and (4) analysis of anticipated utility rate increases due to cleanup costs.
 - **Brattle Group Fish Consumption Survey** – Just prior to the last meeting EPA became aware that some PRPs conducted a survey of fish consumption in the Portland Harbor Site. There was no coordination with EPA in the survey design, and EPA has been on record discouraging surveys that do not meet rigorous technical standards, and pointing out the time and cost of doing a survey that would meet those standards. The survey was funded by 3 PRPs - Schnitzer, Vigor, and Gunderson. Gunderson is an AOC signatory/LWG member; the other two parties had the opportunity but did not sign the ACO or join the LWG. The report estimated that 7800 people were consuming resident fish from Portland Harbor, and 78 people were consuming high rates of fish (rates that were similar

- to EPA's estimates for reasonable maximum exposure).
- **The Portland Harbor Partnership** - A group of PRPs, including some LWG members, was previously very active conducting its own outreach activities. Although its efforts have been touted as educational, EPA is concerned that it may be laying the groundwork for advocacy. The partnership supported a survey last year by Portland State University which confirmed that people, especially ethnic community members, are fishing in the lower Willamette to supplement their diets. The Brattle Group study appears to be a follow up to the findings of the first survey. Other activities are also being planned. The Portland Harbor Partnership has not conducted major outreach activities for the past several months.

Work underway or completed

- **Early Actions at GASCO and T4; potential action at River Mile 11E** - Early Actions offshore of the Arco/BP, GASCO and the Port's T4 facilities have been completed and have reduced risk posed by these areas of highly contaminated sediment. Additional work at GASCO, T4 and at the Arkema facility will provide design level information that will help accelerate remedial work once the ROD is signed. EPA also sent a group of PRPs (to include the City) a draft AOC and scope of work for pre-design and design work at RM 11E. RM 11E is PCB hotspot at the upstream end of the site, and early sequencing of work is key to a successful cleanup. EPA staff is concerned that the City has stepped back from its early leadership role on this area, and it is unclear if this is a change in position at the City.
- **Upstream and upland cleanups underway** - Construction is underway at contain and capture contaminated groundwater and manage stormwater from the Arkema facility under DEQ oversight. The Triangle Park upland property cleanup was also completed last fall under EPA oversight. Cleanup work was also recently completed at Zidell ship dismantling facility, which is located upstream of the PH study area. The Zidell cleanup included in-water PCB contaminated sediments and was conducted under DEQ oversight.
- **Fish tissue collection** – The LWG agreed to conduct additional smallmouth bass tissue sampling last fall at the request of EPA. The LWG recently submitted the results of PCB levels in the fish. The data will help us evaluate current trends in concentration levels, natural recovery model predictions, and establish a baseline to evaluate remedy effectiveness.

Contacts:

Kristine Koch, Remedial Project Manager	koch.kristine@epa.gov	206-553-6705
Chip Humphrey, Remedial Project Manager	humphrey.chip@epa.gov	503-326-2678
Lori Houck-Cora, Asst. Regional Council	cora.lori@epa.gov	206-553-1115